



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/542,854	04/04/2000	Edward G. Cazalet	APXX0003	6184

22862 7590 10/22/2003

GLENN PATENT GROUP
3475 EDISON WAY, SUITE L
MENLO PARK, CA 94025

EXAMINER

BORISSOV, IGOR N

ART UNIT	PAPER NUMBER
----------	--------------

3629

DATE MAILED: 10/22/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/542,854

Applicant(s)

CAZALET ET AL.

Examiner

Igor Borissov

Art Unit

3629

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ____ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 November 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-61 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-61 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 7-8 and 31-32 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The term "significant" in claims 7-8 and 31-32 is a relative term, which renders the claim indefinite. The term "significant" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-17, 22-41 and 45-61 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tuck et al. (U. S. 6,115,698) in view of Discussion Paper on Aligning Transmissions to Actual Flows (Publication).

Tuck et al. teach a system and method for trading electric energy considering available transmission capacity, comprising:

As per claims 1, 25 and 52:

Art Unit: 3629

- at least one computer coupled to an associated computer readable memory containing a program code segment (column 2, lines 26-27; column 18, lines 26-41);

wherein said program code segment supporting contracting an associated AC power transfer on each of power transfer interface of the collection of the power transfer interfaces (column 4, line 47 through column 5, line 15; column 6, lines 44-45; column 11, lines 29-44).

Tuck et al. do not specifically teach that the power transfer interface includes a flow gate.

Publication, which appears to be published on November, 1998, teaches a system and method for managing congestions and operating on an actual flow basis, wherein contracting of electric power is conducted recognizing the physical flows of the electric power, available flowgate and transfer capability (pages 3, 4, 12 and 15).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Tuck et al. to include that the power transfer interface includes a flow gate and that contracting of electric power is conducted recognizing the physical flows of the electric power, available flowgate and transfer capability, because it would allow to amount those portions of electric power which do not flow through "contracted" paths, as specifically stated in Publication (page 4).

Also, Tuck et al. teaches:

As per claims 2 and 26, said system and method, comprising:

-contracting said associated AC power transfer on each of said power transfer interface to take place over at least first time interval (column 4, line 60 through column 5, line 15).

As per claims 3 and 27, said system and method, comprising:

- contracting a sum of said associated AC power transfer for each of said AC power transfers of said AC power transfer collection on each of said power transfer interface of the collection of the power transfer interfaces (column 11, lines 29-44; column 18, lines 44-67).

As per claims 4 and 28, said system and method, wherein each power transfer interface of the collection of the power transfer interfaces has an associated maximum safe carrying capacity; and said sum of said associated AC power transfer for each of said AC power transfers of said AC power transfer collection satisfying said associated maximum safe carrying capacity on each of said power transfer interface of the collection of the power transfer interfaces (column 4, line 60 through column 5, lines 15).

As per claims 5 and 29, said system and method, comprising:

- contracting each of said sum of said associated AC power transfer for each of said AC power transfers of said AC power transfer collection to take place at least over said first time interval (column 4, line 60 through column 5, lines 15; column 11, line 50 through column 12, line 2).

As per claims 6 and 30, said system and method, comprising:

- contracting an amount of energy of said associated AC power transfer on each of said power transfer interface of the collection of the power transfer interfaces as essentially an associated linear, skew-symmetric function of said associated amount of energy from said associated first node to said associated second node (column 4, lines 47-53; column 4, line 60 through column 5, line 15; column 6, lines 44-45; column 7, lines 1-9, 19-20; column 11, lines 29-44; column 18, lines 44-67).

As per claims 7-8 and 31-32, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Tuck et al. and Publication to include that each of said flow gates of said flow gate collection is a significant flow gate, because it appears that the claimed features do not distinguish the invention over similar features in the prior art, and the teachings of Tuck et al. and Publication would perform the invention as claimed by the applicant with each of said flow gates of said flow gate collection being of any type.

As per claims 9, 33 and 53, said system and method, comprising:

- contracting for said AC power transfer on said AC power network to create a contract by a first party to own AC power transfer trading rights with associated AC power transfers on each of said power transfer interface of the collection of the power transfer interfaces (column 4, lines 47-53; column 4, line 60 through column 5, line 15; column 6, lines 44-45; column 7, lines 1-9, 19-20; column 11, lines 29-44; column 18, lines 44-67).

- enabling said first party to further contract to sell said first party owned AC power transfer trading rights (column 4, lines 47-53; column 4, line 60 through column 5,

Art Unit: 3629

line 15; column 6, lines 44-45; column 7, lines 1-9, 19-20; column 11, lines 29-44; column 18, lines 44-67).

As per claims 10, 34 and 54, said system and method, comprising:

- determining whether said associated AC power transfer of said power transfer interface of the collection of the power transfer interfaces satisfies said associated maximum safe carrying capacity of said power transfer interface of the collection of the power transfer interfaces (column 4, line 60 through column 5, line 15);

- approving said AC power transfer whenever said associated power transfer of said power transfer interface satisfies said maximum safe carrying capacity for each said power transfer interface of the collection of the power transfer interfaces (column 4, line 60 through column 5, line 15).

As per claims 11 and 35, said system and method, comprising:

- enabling said first party to further contract to sell said first party owned AC power transfer trading rights before scheduling said AC power transfer for said contract (column 4, lines 47-53; column 4, line 60 through column 5, line 15; column 6, lines 44-45; column 7, lines 1-9, 19-20; column 11, lines 29-44; column 18, lines 44-67).

As per claims 12 and 36, said system and method, comprising:

- scheduling said AC power transfer for said contract, which occurs before said first time interval (column 4, line 60 through column 5, line 15; column 7, lines 35-58; column 11, line 30 through column 12, line 53).

As per claims 13 and 37, said system and method, comprising:

- determining whether said associated AC power transfer of said power transfer interface of the collection of the power transfer interfaces satisfies said associated maximum safe carrying capacity of said power transfer interface of the collection of the power transfer interfaces over said first time interval (column 4, line 60 through column 5, line 15);

- approving said AC power transfer over said first time interval whenever said associated AC power transfer of said power transfer interface of the collection of the power transfer interfaces satisfies said associated maximum safe carrying capacity of said power transfer interface of the collection of the power transfer interfaces over said first time interval (column 4, line 60 through column 5, line 15).

As per claims 14 and 38, said system and method, comprising:

- contracting for a sum of associated AC power transfers for all AC power transfers of said AC power transfer collection to create a contract for an associated AC power transfer for said collection of AC power transfers for each of said power transfer interface of the collection of the power transfer interfaces (column 4, lines 47-53; column 4, line 60 through column 5, line 15; column 6, lines 44-45; column 7, lines 1-9, 19-20; column 11, lines 29-44; column 18, lines 44-67).

As per claims 15 and 39, said system and method, comprising:

- calculating said associated AC power transfer on said power transfer interface of said AC power transfer as an amount of energy which is an essentially linear, skew-symmetric associated function of said amount of energy of said AC power transfer from said associated first node of said AC power transfer to said associated second node of

Art Unit: 3629

said AC power transfer of each of said power transfer interface of the collection of the power transfer interfaces (column 4, lines 47-53; column 4, line 60 through column 5, line 15; column 6, lines 44-45; column 7, lines 1-9, 19-20; column 11, lines 29-44; column 18, lines 44-67).

As per claims 16-17 and 40-41, said system and method, comprising:

- enabling said first party to further contract to sell said first party owned AC power transfer trading rights for said associated AC power transfer for each of said power transfer interface of the collection of the power transfer interfaces (column 4, lines 47-53; column 4, line 60 through column 5, line 15; column 6, lines 44-45; column 7, lines 1-9, 19-20; column 11, lines 29-44; column 18, lines 44-67).

As per claims 22, 45 and 55, said system and method, comprising:

- identifying a first of said clients operating a first of said client computers as said first party (column 2, lines 26-27; column 18, lines 26-41, 44-67; column 4, lines 47-53; column 4, line 60 through column 5, line 15; column 6, lines 44-45; column 7, lines 1-9, 19-20; column 11, lines 29-44).

As per claims 23, 46 and 56, said system and method, comprising:

- receiving a stimulus from said first user to create a received stimulus stream (column 4, lines 47-53; column 4, line 60 through column 5, line 15; column 6, lines 44-45; column 7, lines 1-9, 19-20, 35-58; column 11, line 29 through column 12, line 53; column 18, lines 44-67).

- communicating via said network with said first server computer to create a received server stream and to create a server delivery stream (column 4, lines 47-53;

column 4, line 60 through column 5, line 15; column 6, lines 44-45; column 7, lines 1-9, 19-20, 35-58; column 11, line 29 through column 12, line 53; column 18, lines 44-67).

- displaying an interactive status based upon said received stimulus stream and said received server stream (column 4, lines 47-53; column 4, line 60 through column 5, line 15; column 6, lines 44-45; column 7, lines 1-9, 19-20, 35-58; column 11, line 29 through column 12, line 53; column 18, lines 44-67).

- communicating via said network with said first client computer to create a received server delivery stream (column 4, lines 47-53; column 4, line 60 through column 5, line 15; column 6, lines 44-45; column 7, lines 1-9, 19-20, 35-58; column 11, line 29 through column 12, line 53; column 18, lines 44-67).

As per claims 24, 47-50 and 57-60, said system and method, comprising:

- transforming said received server delivery stream into an order collection containing at least one bid order and at least one ask order (column 10, lines 20-39);

- contracting AC power transfer on said AC power network to create a contract based upon a first of said bid orders of said order collection and based upon a first of said ask orders of said order collection (column 4, lines 47-53; column 4, line 60 through column 5, line 15; column 6, lines 44-45; column 7, lines 1-9, 19-20, 35-58; column 10, lines 20-39; column 11, line 29 through column 12, line 53; column 18, lines 44-67).

As per claims 51 and 61, said system, comprising a server collection of server computers performing a distributed system with a process group collection of at least one process group, wherein each of said server computers is accessibly coupled with a computer memory, wherein said program operating system includes program code

segments implementing at least one of the process groups of said collection of process groups (column 2, lines 26-27; column 18, lines 26-41).

Claims 18-21 and 42-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tuck et al. and Publication in view of Luke et al. (U. S. 6,131,087).

As per claims 18-21 and 42-44, Tuck et al. and Publication teach all the limitations of claims 18-21 and 42-44, except that the first party is represented by an agent authorized by said first party to act on behalf of said first party with respect to contracting AC power transfer.

Luke et al. teach a system and method for automatically identifying and matching buyers and sellers in electronic market transactions, wherein participating parties are represented by agents which act on behalf of said participating parties to authorize a contract (column 1, lines 13-15, 35-39; column 4, lines 26-45; column 10, lines 43-63).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Tuck et al. and Publication to include that participants are represented by agents which act on their behalf to authorize a contract, because it would enhance the effectiveness of the system by delegating negotiating tasks to specialized entities, and simplify the use of the system by automating said negotiating tasks.

Response to Arguments

Applicant's arguments with respect to claims 1-61 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication should be directed to Igor Borissov at telephone number (703) 305-4649.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Receptionist whose telephone number is (703) 872-9306.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's Supervisor, John Weiss, can be reached at (703) 308- 2702.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

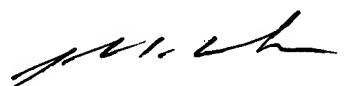
Washington D.C. 20231

or faxed to:

(703) 872-9306 [Official communications; including After Final
communications labeled "Box AF"]

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, Arlington, VA, 7th floor receptionist.

IB


JOHN G. WEISS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600